

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL SLOAN MULLER,

Petitioner,

Case No. 18-cv-12788
Hon. Matthew F. Leitman

v.

J.A. TERRIS,

Respondent.

ORDER FOR SUPPLEMENTAL BRIEFING

Petitioner Michael Sloan Muller has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. 2241. Respondent J.A. Terris has moved to dismiss the petition on the ground that in Muller's Rule 11 plea agreement, Muller agreed not to bring a collateral attack on his conviction under 28 U.S.C. 2255. Terris's motion does not cite any case in which any court has held that a petitioner's waiver of his right to seek relief under 28 U.S.C. 2255 precludes the petitioner from seeking relief under 28 U.S.C. 2241. The Court would benefit from authority directly supporting Terris's assertion concerning the effect of the waiver in the plea agreement. Accordingly, IT IS HEREBY ORDERED that by not later than **July 15, 2019**, Terris shall file a supplemental brief citing cases in which federal courts have held that a waiver of the right to bring a collateral attack on a conviction under 28 U.S.C. 2255

bars a petitioner from seeking habeas relief under 28 U.S.C. 2241. Muller may respond to Terris's supplemental brief by not later than **August 9, 2019**.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: June 28, 2019

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on June 28, 2019, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
(810) 341-9764